



Proposed King County Superior Court Local Rule Amendments – 2015

Out For Comment through April 30, 2015

Table of Contents

LGR 15. DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS.....	2
LGR 30. MANDATORY ELECTRONIC FILING AND SERVICE	4
LGR 31. ACCESS TO COURT RECORDS.....	6
LCR 4.2 CONFIRMATION OF JOINDER OF PARTIES AND ISSUES IN CIVIL AND FAMILY LAW CASES; COMPLETION OF TESTING IN PATERNITY CASES.....	6
LCR 16. PRETRIAL DEADLINES AND PROCEDURES.....	8
LCR 26. DISCOVERY, INCLUDING DISCLOSURE OF POSSIBLE WITNESSES AND PROTECTIVE ORDERS.....	9
LCR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS.....	12
LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD.....	13
LCR 40.1 EX PARTE AND PROBATE DEPARTMENT.....	16
LCR 55. DEFAULT AND JUDGMENT.....	19
LCR 58. ENTRY OF JUDGMENT.....	20
LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS.....	21
LCR 98.20 GUARDIANSHIPS AND TRUSTS.....	23
LCR 98.50 SEXUALLY VIOLENT PREDATOR—Office of Public Defense	25
LJuCR 12.1 TRUANCY CASE ASSIGNMENT AREA.....	25
LJuCR 13.1 AT-RISK YOUTH & CHILD IN NEED OF SERVICES CASE ASSIGNMENT AREA	27
LFLR 17. CONTEMPT AND OTHER ENFORCEMENT ACTIONS.....	28
LFLR 21. SIMPLE DISSOLUTION (DIVORCE) PROGRAM.....	28

LGR 15. DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

(c) *Sealing or Redacting Court Record.*

(1) Motions to Destroy, Redact or Seal Previously Filed Documents.

(A) Civil. Motions to destroy, redact or seal all or part of a previously filed civil or domestic relations court record shall be filed with the clerk and presented, in accordance with GR 15 and GR 22, to the assigned judge or if there is no assigned judge, to the Seattle Chief Civil Judge for civil cases with a Seattle designation and to the Chief Judge of the Maleng Regional Justice Center for civil cases with a Kent designation, the Chief Unified Family Court Judge for family law cases with children, with the following exceptions.

(B) Criminal. Motions for cases that are not pending trial shall be presented to the assigned judge or his or her successor or, if there is no trial assigned judge or successor, to the Seattle Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center.

(C) Guardianship, Trusts and Probate: (Title 11) Motions may be presented to any regularly sitting ~~(but not a pro tem)~~ Ex Parte Commissioner. Pro tem commissioners are not authorized to seal documents.

(D) Vulnerable Adult Protection Order: (RCW 74.04) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

(E) Minor/Incapacitated Settlement: The motion shall be presented to the judicial officer who approved the minor settlement unless the judicial officer who approved the minor settlement is a pro tem commissioner, in which case the motion shall be brought before the assigned judge or any regularly sitting Ex Parte Commissioner.

(F) Name Changes Based on Domestic Violence: If no assigned judge, motion may be presented by the requesting party to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

(G) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 Cases: In a proceeding brought pursuant to RCW 26, “financial source document”, “personal health care record” and “confidential report” as defined under and submitted in accordance with GR 22 will be automatically sealed by the clerk without court order, if accompanied by the proper cover sheet. See, also, LFLR 5(c) and LFLR 11 with respect to family law court records in general. Motions to seal documents pursuant to GR 22 where the filing party did not attach the appropriate coversheet may be presented to a regular sitting Ex Parte commissioner. Pro tem commissioners are not authorized to seal documents.

(2) Motions to Seal/Redact when Submitted Contemporaneously with Confidential Document – Not to be Filed.

(A) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Criminal Cases Pending Trial. Submit to the Chief Criminal Judge, pursuant to the protocol in the Criminal Department Manual:
www.kingcounty.gov/courts/SuperiorCourt/criminal.

(B) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Sexually Violent Predator Cases Pending Trial. Submit to assigned judge, pursuant to (E) below.

(C) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Dependency and Termination Cases Pending Fact Finding. Submit to the Chief Juvenile Judge, pursuant to the published protocol available on the Court's Website www.kingcounty.gov/courts/JuvenileCourt/dependency.

(D) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Juvenile Offender Cases Pending Trial. Submit to the Chief Juvenile Judge, pursuant to the protocol in the Juvenile Department Offender Manual: www.kingcounty.gov/courts/JuvenileCourt/offenders.

(E) All Other Motions.

(i) The moving party shall provide the following directly to the hearing judge and not file:

a) The original unredacted copy of the document(s) the party seeks to file under seal to the hearing judge in an envelope for in camera review. The words "SEALED PER COURT ORDER DATED [insert date]" shall be written on the unredacted document(s). The following information shall be written on the envelope: The case caption and cause number; a list of the document(s) under review; and the words "SEALED PER COURT ORDER DATED [insert date]."

b) A proposed redacted copy of the subject document(s).

c) A proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).

d) A self-addressed envelope with appropriate postage for the return of the document, should the party request said return.

(ii) If the hearing judge denies, in whole or in part, the motion to seal, the judge will return the original unredacted document(s) and the proposed redacted document(s) to the submitting party upon request to return if envelope with postage was provided and will file the order denying the motion to seal.

(iii) If the hearing judge grants the motion to seal the judge will file the sealed document(s) contemporaneously with a separate order granting the motion. If the judge grants the motion by allowing redaction, the judge shall write the words "SEALED PER COURT ORDER DATED [insert date]" in the caption of the unredacted document before filing.

(e) Motions to Unseal or Examine.

Sealed Files. Applications to examine sealed files shall be made as follows: civil, domestic, paternity and dependency cases to the assigned judge, or respective Chief Judge, and petitions to review or remove a will from the will repository to the Ex Parte and Probate Department, with oral argument, presented in person; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion establishing justification under applicable court rules and case law. The court may, in its discretion, require notice to be given to any party in interest before permitting such

examination. See LGR 77(i)(11) with respect to motions to unseal or examine a sealed court record.

(f) Orders to Destroy, Redact or Seal. Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order other than a protective order in criminal cases. The clerk may call to the attention of the judicial officer any deviation from the requirements of the rule.

[Adopted effective September 1, 2008; amended effective January 1, 2009; January 1, 2009; September 1, 2009; September 1, 2010; September 2, 2013.]

LGR 30. MANDATORY ELECTRONIC FILING **AND SERVICE**

(b) Electronic Filing.

(54) Mandatory Electronic Filing ~~Is Mandatory. Effective July 1, 2009, unless this rule provides otherwise, a~~ Attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's eFiling Application or an electronic service provider that uses the Clerk's eFiling Application unless this rule provides otherwise. Non-attorneys are not required to e-file documents. When documents other than the initial summons and complaint are e-filed, the attorney for the filing party will promptly disseminate e-copies of the filed documents to all attorneys for the parties of record. These documents should be in the same format as those submitted in the Clerk's eFiling Application. This service by electronic means satisfies all requirements for service under the rules, other than service that is required to be made through personal service upon a party. If a party does not have an attorney or if the attorney is exempt from e-filing/e-service as provided in LGR 30(b)(4)(iv)(D), then service on that party or attorney must be accomplished in non-electronic form consistent with CR 5(b) unless the party or attorney agrees to accept electronic service. Attorneys are not additionally required to file paper copies except for those documents set forth in GR 30(b)(2) or as set forth below. It is the responsibility of all counsel to maintain an electronic mailbox sufficient to receive electronic transmissions of filed documents. Service by electronic means shall be effective as set forth in CR 5(b)(7).

(A) Documents That Shall Not Be E-Filed. Exceptions to mandatory e-filing include the following documents:

- (i)** Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii)** Certified records of proceedings for purposes of appeal;
- (iii)** Documents presented for filing during a court hearing or trial;
- (iv)** Documents for filing in an Aggravated Murder case;
- (v)** Administrative Law Review (ALR) Petitions;
- (vi)** Interpleader or Surplus Funds Petitions;
- (vii)** Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;

- (viii) Affidavits for Writs of Garnishment and Writs of Execution;
- (ix) New cases or fee based documents filed with an Order in Forma

Pauperis.

The above-excepted documents must be filed in paper form.

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(B) Documents That May Be E-Filed. The following documents may be e-filed:

(i) Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.

(ii) Answers to Writs of Garnishment

(iii) Appeals of lower court decisions

(iv) Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(C) Working Copies for E-Filed Documents. Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eFiling Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

(D) Waiver of the Requirement to E-File. If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must make a showing of good cause and explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Electronic filing and/or service shall not be a barrier to access to justice. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing/e-service per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

(E) Non-Compliance With This Rule. If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

(d) Authentication of Electronic Documents.

(2) Signatures

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(ii) The King County Electronic Log of Detective Investigations is designated as a local and secure system for law enforcement to submit electronically signed documents to the King County Prosecuting Attorney for filing in Superior Court.

[Adopted effective June 1, 2009; amended effective September 1, 2010; September 1, 2011; September 1, 2012; January 1, 2014; April 1, 2014; June 27, 2014; September 2, 2014.]

LGR 31. ACCESS TO COURT RECORDS

(d) Access.

(2) On-line access to the Clerk's electronic records system outside of the clerk's office and outside of King County's wide area network shall be restricted to cases filed November 1, 2004 and forward and shall be limited to the following case types:

(i) all criminal cases, defined as those categorized with a number 1 as the third digit of the case number;

(ii) all civil cases, defined as those categorized with a number 2 as the third digit of the case number, with the exceptions of petitions for domestic violence protection orders and petitions for antiharassment protection orders;

(iii) all probate cases, defined as those cases categorized with a number 4 as the third digit of the case number, except for guardianship cases.

(iv) final parenting plans, decrees, and child support orders in cases filed under RCW 26.09, 26.10, and 26.26.130(7)(b).

Official Comment

1. Procedures, terms and conditions for on-line access are available in the Clerk's office and online at www.kingcounty.gov/courts/clerk.

[Adopted effective November 5, 2004; amended September 1, 2005; February 23, 2006.]

LCR 4.2 CONFIRMATION OF JOINDER OF PARTIES AND ISSUES IN CIVIL AND FAMILY LAW CASES; COMPLETION OF TESTING IN PATERNITY CASES

(a) Civil Non-Family Law Cases; Confirmation of Joinder of Parties, Claims and Defenses; Form. This rule applies to all civil cases with a Case Schedule that are not governed by LFLR 1.

(1) Confirmation of Joinder; Form. No later than the designated deadline for joining additional parties and raising additional claims and defenses, as stated in LCR

4(e)(2), the plaintiff(s)/petitioner(s) shall, file and serve a report entitled "Confirmation of Joinder of Parties, Claims, and Defenses," which will be in substantially the following form:

CONFIRMATION OF JOINDER OF PARTIES,
CLAIMS, AND DEFENSES

- I. ☐ Plaintiff(s)/petitioner(s) makes the following representations:
1. This case is not subject to mandatory arbitration.
[If it is, this report should not be filed; instead, no later than the deadline for filing this report, a statement of arbitrability should be filed, pursuant to LMAR 2.1(a).]
 2. All parties have been served or have waived service.
 3. All mandatory pleadings have been filed.
- II. ☐ Plaintiff(s)/petitioner(s) do not make the foregoing representations because (if appropriate, check both the box at left and every applicable box below). The Court may set a hearing.
- ☐ This case is subject to mandatory arbitration, but not yet ready for the Statement of Arbitrability to be filed.
- ☐ A party remains to be served.
- ☐ A mandatory pleading remains to be filed.
- ☐ Other explanation:
- _____
- _____
- _____

DATED: _____ SIGNED: _____

Plaintiff/Petitioner/Attorney (If attorney, WSBA #: _____)

Typed Name: _____

Address: _____

Phone: _____

Attorney(s) For: _____

~~(2) Show Cause Hearing. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before the Chief Civil Judge.~~

(32) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to LMAR 2.1(a) is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims, and Defenses, the Confirmation of Joinder need not be filed and no show cause hearing will be held. See LFLR 4(c).

(b) Family Law Dissolution and Modification Cases; Confirmation of Issues; Referral to Mediation; Form. See LFLR 4(c).

(c) Paternity Cases; Confirmation of Completion of Genetic Testing; Form.
See LFLR 4(d).

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008.]

LCR 16. PRETRIAL DEADLINES AND PROCEDURES

(a) Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.

(1) Mandatory Joint Confirmation of Trial Readiness. Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk, and provide a working copy to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

- (A)** Type of trial and estimated trial length;
- (B)** Trial week attorney conflicts;
- (C)** Interpreter needs;
- (D)** To what extent alternative dispute resolution has been used in the case;
- (E)** Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

(b) Alternative Dispute Resolution (ADR) All cases. See also LCR 4.

(1) Unless excused by (1) an order signed by the judge to whom a case is assigned or (2) a family law commissioner in the case of a family law matter, or (3) the Order Setting Case Schedule issued does not, itself, provide for a deadline for participating in ADR, the parties in every case governed by an order setting case schedule as set forth by LCR 4(b) shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party. ~~no later than 28 days before trial.~~

(2) Preparation for Conference.

(A) Attendance and Preparation Required. The attorney in charge of each party's case shall personally attend all alternative resolution proceedings and shall come prepared to discuss in detail and in good faith the following:

- (i)** All liability issues.
- (ii)** All items of special damages or property damage.
- (iii)** The degree, nature and duration of any claimed disability.
- (iv)** General damages.
- (v)** Explanation of position on settlement.

(B) Family Law Cases--Requirements. See LFLR 16.

(3) Parties to Be Available.

(A) Presence in Person. The parties shall personally attend all alternative resolution processes, unless excused, in advance, by the person conducting the proceeding.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference or other dispute resolution process, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend in person with sufficient authority to bind the insurer to a settlement. If the representative is not available in King County, the representative shall be available by telephone at the parties' expense.

(4) Failure to Attend. Failure to attend the dispute resolution procedure in accordance with paragraphs (A) and (B) above may result in the imposition of terms and sanctions that the judge may deem appropriate.

(5) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in the matter, unless all parties agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990, September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004; September 1, 2004; September 1, 2007; September 1, 2008; June 1, 2009; September 1, 2012; September 2, 2013; September 2, 2014.]

LCR 26. DISCOVERY, INCLUDING DISCLOSURE OF POSSIBLE WITNESSES AND PROTECTIVE ORDERS

~~(a) (Reserved)~~

(b) Discovery Limits.

(1) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LCR 4.

(2) Interrogatories.

(A) Cases With Court-Approved Pattern Interrogatories. In cases where a party has propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) Cases Without Court-Approved Pattern Interrogatories. In cases where a party has not propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(3) Depositions. A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(4) Requests for Admission. A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(5) Modification.

(A) Stipulation of the parties. These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) Court order. If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to LCR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by LCR 37(f) shall be filed with the motion.

(6) Discovery requests in violation of rule.

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to those requests, in numerical order, that comply with LCR 26(b). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(7) Applicability. These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LCR 69(b) or other post-judgment proceedings.

(c) Motions to Seal/ Protective Orders. A motion to seal must be made separately and cannot be submitted as part of a protective order. If a motion to seal is granted, the parties must comply with the requirements of LR 77(6). Motions for protective order, even if agreed, shall be presented to the assigned judge and not to the ex parte department. If the case is not assigned to a judge, the motion shall be made to the Chief Civil judge for cases with an SEA designation and to the Chief Judge of the MRJC for cases with a KNT designation. ~~When the court has entered an order permitting a document to be filed under seal, the filing party must comply with the requirements of See GR 15.~~

~~**(d) (Reserved)**~~

(e) Discovery Not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

~~(f) – (j) (Reserved)~~

(k) Disclosure of Primary Witnesses. Required Disclosures.

(1) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness' relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefore and a brief description of the expert's qualifications.

(4) Sanctions. Failure to comply with this rule or the court's Order Setting Case Schedule may result in sanctions, including the exclusion of witnesses.

Comment: See LGR 15 and LFLR 11 for procedures relevant to motions to seal.

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LCR 4(j) (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LCR 4 All Witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is when the party calling a witness could not reasonably anticipate needing that witness before trial.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section (e) the rule specifically provides to the contrary.

The prior version of Section 4 of this rule was, in essence, struck down by the Supreme Court in *Jones v. Seattle*, 179 Wn2d. 322, 314 P.3d 380 (2013). The *Jones* court emphasized that trial courts must follow the three-part test of *Burnet v. Spokane Ambulance*, 131 Wn2d. 484, 933 P.2d 1036 (1997) prior to entering an order excluding a witness.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001; September 1, 2003; September 1, 2005; September 1, 2007; September 1, 2008; September 1, 2010; September 1, 2011; September 2, 2014.]

LCR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS

~~(a)-(c) (Reserved)~~

~~(d) (Withdrawn) **Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Production or Inspection.** If a party or an officer, director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take his or her deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for production of documents or inspection submitted under CR 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others, it may take any action authorized under CR 37. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising the party or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. — The failure to act described in this subsection may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by CR 26(c). For purposes of this section, an evasive or misleading answer is to be treated as a failure to answer.~~

(e) Conference of Counsel. See CR 26(i).

(f) Certificate of Compliance. See CR 26(i).

(g) Completion of Discovery. Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed no later than 49 calendar days before the assigned trial date (provided that deadlines shall be 28 days in all parentage cases and 35 days in all other family law proceedings as defined in LFLR 1). Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with this rule will not be enforced. Nothing in this rule shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

Official Comment

~~— Paragraph (d) of this rule requires a party who disagrees with the scope of production, or who wishes not to respond to seek a protective order consistent with CR 37(d); a party may not withhold discoverable materials. Physicians Insurance Exchange v. Fisons Corp., 122 Wn.2d 299 (1993) at 353 and 354; Johnson v. Mermis, 91 Wash. App. 127, at 133 (1998); Pamelin Industries v. Sheen USA, Inc., 95 Wn.2d 398 (1981). If a responding party does not fully respond and/or interposes objections, and if the responding party does not seek a protective order or obtain the agreement of the party seeking the discovery to narrow the requested discovery, upon motion, the Court will ordinarily impose sanctions for such failure. If the requested relief is sanctions, a motion to compel is not a prerequisite. See Fisons, supra, at 345.~~

~~—If an attorney's or party's lateness in responding to discovery requests makes it necessary for another party to request an extension of the discovery deadlines, the Court should ordinarily impose sanctions on the attorney or party whose responses were late. If the attorney or party requesting extension of the discovery deadlines delayed unreasonably in taking action to enforce its discovery requests, the Court may also impose sanctions upon the attorney or party requesting extension of the discovery deadline.~~

[Adopted effective January 1, 1983; amended effective September 1, 1986; January 1, 1990; September 1, 1992; September 1, 1999; September 1, 2001; September 1, 2007; September 1, 2008; September 1, 2010.]

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

(a) Notice of Trial--Note of Issue.

(1) Assignment of case to Judge. The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(b) Where motions and proceedings to be noted. See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned, to the Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations.

(2) Family Law Proceedings. See LFLR 5.

(3) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

(4) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(5) Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions. See LCR 40.1

(6) Order Vacating Conviction. These motions shall be noted before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. See official comment.

(7) Frivolous Liens. If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(8) Marriage Age Waiver Petitions. See LFLR 19.

(9) Involuntary Treatment Proceedings. The hearings in involuntary treatment proceedings shall be heard on the involuntary treatment act calendar.

(10) Receivership Proceedings. See LCR 40.1(b)(2).

(11) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(12) Work Permits/Variations for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the e Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT designation.

(13) Writs.

(a) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(b) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. ~~See also LCR 40.1(b)(2)(S).~~

(14) Adult Structured Settlements. Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Chief Civil judge for cases with a SEA designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT assignment.

(15) Quash of Subpoena. Motions to quash subpoena from outside the jurisdiction shall be brought before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge.

(16) Restoration of Right to Possess Firearm. A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner must file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. For cases in which the loss of the right resulted from an involuntary commitment, the petitioner must file an original petition in a separate cause of action and the motion shall be noted without oral argument before the Chief Civil Judge or the Chief Maleng Regional Justice Center

Judge pursuant to LCR 7. [For cases in which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

(c) Trial Dates. In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, the motion shall be made before the Ex Parte Department. In all other cases not assigned to a judge, the motions shall be made to the Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge at the Maleng Regional Justice Center for cases with a KNT designation. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule.

~~(d) (Reserved)~~

(e) Continuances/Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For affidavits of prejudice see RCW 4.12.050.

Official Comment

Petitions for certificates of rehabilitation is a term sometimes used to describe the Order Vacating Conviction (LCR 40(b)(6)) and Restoration of Rights (LCR 40(b)(16)) process, though this is no longer part of Washington state law.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 1, 2011; September 1, 2012; September 2, 2014.]

LCR 40.1 EX PARTE AND PROBATE DEPARTMENT

(a) *Ex Parte and Probate Department.*

(1) Ex Parte and Probate Department Presentation of Motions and Hearings Manual. The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual (“Motions and Hearings Manual”) is issued by the Clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the Clerk’s office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the Clerk’s office. The Motions and Hearings Manual shall be made available online at www.kingcounty.gov/courts/clerk and in paper form through the Clerk’s office and the Ex Parte and Probate Department.

(b) *Motions and Other Procedures.*

(1) Scope of Rules. This rule governs all matters presented to the Ex Parte and Probate Department.

(2) Cases Not Assigned. Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing shall be presented to the Ex Parte and Probate Department. ~~See LCR 40(a)(2).~~ The following cases or motions are heard by the Ex Parte and Probate Department:

(A) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

(B) Agreed and Default Family Law Decrees and Modifications. See LFLR 5.

(C) Antiharassment, Domestic Violence, Sexual Assault and Vulnerable Adult Protection Orders:

(i) Antiharassment Petitions. Applications for temporary antiharassment protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final antiharassment protection orders shall be set by the Clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(ii) Domestic Violence Protection Orders. See LFLR 12.

(iii) Sexual Assault Protection Orders. Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate

Department. Hearings on final sexual assault protection orders shall be set by the Clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(iv) Vulnerable Adult Protection Orders. Applications for temporary vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final vulnerable adult protection orders shall be set by the Clerk or Judicial Officer before the Ex Parte and Probate Department.

(D) Guardianships, Probates and Other Settlements of Claim Involving Incapacitated Adults or Minors. All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk's office. If the matter is contested, it may be referred by the judicial officer to the Clerk who will issue a trial date and will assign the case to a judge.

(E) Judgments on Arbitration Awards. Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

(F) Orders to Show Cause. All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

(G) Orders Waiving Filing Fees. In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk.

(H) Requests to Waive Ex Parte Via the Clerk and ECR On-Line fees. Requests to waive fees for Ex Parte via the Clerk shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk. See LCR 78 regarding the waiver of ECR On-line fees.

(I) Orders Waiving Other Fees. Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk.

(J) Orders to Remove non-ECR Files. Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

(K) Orders Vacating a Dismissal. Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

(L) Receivership Proceedings. If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(M) Sealed Files: See LGR 15, LCR 26(b), LCR 77(i)(11) and LFLR 11.

(N) Temporary Restraining Orders. Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

(O) Unlawful Detainer Actions. The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the Clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(P) Unopposed Matters. Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations in accordance with LCR 7.

~~**(Q) (Withdrawn) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For other writs, see LCR 40 (a)(2).~~

(3) Assigned Cases. Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case schedule, direct the Clerk to seal a document or file, provide for a protective order pursuant to LCR 26(c) or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed page limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated person or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

(4) Matters Not Presented to the Ex Parte and Probate Department.

Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

(5) Argument. Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

(A) Matters With Oral Argument. Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

(B) Matters Without Oral Argument. All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the Clerk's office. Parties must deliver or mail their paperwork to the Clerk's office directly. The Clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

(C) Matters Required to be Noted. Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

[Adopted effective January 1, 2009; amended effective September 1, 2009; September 1, 2010; September 1, 2012.]

LCR 55. DEFAULT AND JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the Clerk's office. When there has been an

appearance by any non-moving party, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Chief Civil Department for Seattle case assignment area cases and the Chief Judge of the Maleng Regional Justice Center for Kent case assignment area cases. The Motion in support of the Order for Default shall affirmatively state whether or not there has been an appearance by any non-moving party. Failure to so state shall result in the denial of the motion for default without prejudice.

(2) Late Appearance or Answer. When a non-moving party has appeared or answered before consideration of the Motion for Order of Default, the moving party shall notify the hearing judge or commissioner.

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party shall move for entry of judgment against the party in default from the Ex Parte and Probate Department through the Clerk's office. If the Court determines that testimony is required, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.

(c) Setting Aside Default Judgments. Orders to show cause to vacate default judgments shall be presented to the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk. Orders to show cause are returnable to the assigned judge. If no judge is assigned, orders to show cause are returnable to the Chief Civil Judge for Seattle cases and the Chief Judge of the Maleng Regional Justice Center for Kent cases. See LCR 7(b)(8). Also see LCR 60(e)(1).

(d) Failure to Appear at Trial. The failure of a party to appear at trial is not governed by this rule. (See LCR 43.)

(e) Family Law Cases. See LFLR 5.

[Adopted effective September 1, 1996; amended effective September 1, 2003; September 1, 2004; September 1, 2008; January 1, 2009.]

LCR 58. ENTRY OF JUDGMENT

(a) When.

(1) Judgments and Orders to Be Filed Forthwith. Any order, judgment or decree which has been signed by the Court shall not be taken from the Courthouse, but must be filed forthwith by the attorney obtaining it with the Clerk's office or with the Clerk in the courtroom.

(b) Effective Time.

(1) Effective on Filing in Clerk's Office. Judgments, orders and decrees shall be effective from the time of filing in the Clerk's central office.

(2) Evaluation and Treatment Orders. Orders issued pursuant to RCW 71.05.150(2) to detain a person to a designated evaluation and treatment facility for not more than seventy-two-hour evaluation and treatment period, shall be effective immediately from the time of issuance.

(h) Reporting to Department of Licensing

(1) The Clerk is required to report data about certain civil judgments involving motor vehicle cases (Title 46 RCW) to the Washington State Department of Licensing. To ensure the necessary data is available to the Clerk for reporting purposes, parties to such judgments shall provide to the Clerk a completed “DOL Reporting Data Sheet”, which is available at the Clerk’s Office or on the Clerk’s website: www.kingcounty.gov/courts/clerk, within thirty days after entry of judgment.

Official Comment

“The court deleted LCR 58(c) as unnecessary. This issue is addressed by the best evidence rule.”

[Amended effective January 22, 2008, September 1, 2011.]

LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions.

(1) Continuous Session. There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

(2) Court Hours.

(A) Presiding Department. The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday and Saturday from 10:00-12:00. No judge need attend personally on Saturdays except upon call. When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

(B) Trial Departments. Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4 PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

(C) Ex Parte Department. The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday. See LCR 40.1

(i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

(1) Presiding Judge; Duties. The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of all communications intended for the Superior Court not personally

addressed to any judge nor relating to business which has been assigned to any particular department.

(2) --Same; Jurors. The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the determination for requests for excuse from jury service to senior jury staff.

(3) --Same; Liaison with Departments. If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle case assignment area cases and the Chief Maleng Regional Justice Center Judge for Kent case assignment area cases, for hearing or reassignment.

(4) --Same; Criminal Arraignments, Emergency Orders and Writs. The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to the most senior UFC Judge at the Maleng Regional Justice Center. Applications for emergency and miscellaneous applications on criminal or infraction matters shall be presented to the Chief Criminal Judge or Chief Judge of the Maleng Regional Justice Center. No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center, or except as provided in LCR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge or Chief Judge of the Maleng Regional Justice Center upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

(5) --Same; Ex Parte Orders. The Chief Civil Department or Chief Judge of the Maleng Regional Justice Center may hear any matters assigned to or arising out of the Ex Parte Department.

(6) --Same; Judges Pro Tempore. All judges pro tempore shall be appointed by the Presiding Judge.

(7) --Same; Absence. The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

(8) --Same; Delegation of Duties. The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

(9) Orders to Show Cause. The court shall make orders to show cause returnable in not less than five days except for good cause shown.

~~**(10) Sealed Files.** Applications to examine sealed files shall be made as follows: civil, domestic, paternity and dependency cases to the assigned judge, or respective Chief Judge, and petitions to review or remove a will from the will repository to the Ex Parte and Probate Department, with oral argument, presented in person; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion establishing justification under applicable court rules and caselaw. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.~~

Comment: See also LFLR 5(c) (*Where to Schedule Specific Motions in Family Law Proceedings*).

[Amended effective September 1, 2001; September 1, 2003, September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2012.]

LCR 98.20 GUARDIANSHIPS AND TRUSTS

(a) Hearing Date (Initial Appointment). Upon application, the clerk shall set a date and time for hearing on petitions for the appointment or removal of a guardian, limited guardian or trustee. Unless otherwise directed by court order, the date for an appointment hearing shall be not less than 45 days nor more than 60 days from the date of filing of the petition.

(b) Service and Filing of Reports (Initial Appointment). The report of the guardian ad litem, medical or psychological report, proof of service and other documents offered in support of the petition or in anticipation of the hearing shall be served and filed not less than 15 days in advance of the hearing date. Working copies of the guardian ad litem report, medical or psychological report, and any additional affidavits shall be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, not later than 15 days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk, copies must be served on all parties, and working copies must be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(c) Report Date.

(1) Upon signing of the order appointing guardian or declaring a trust and appointing a trustee, the next report shall be within 90 days of due-on the anniversary of the appointment. The order shall include a Clerk's Action Summary on the first page in a format approved by the Court and posted on the King County Superior Court Clerk's website.

(2) Guardianships in which venue is changed to King County shall retain the reporting period established by the previous jurisdiction until the next accounting is reviewed by the court.

(3) Guardianships with multiple guardians and/or trustees shall have all reports due on the anniversary of the appointment of the first guardian/trustee. The court may designate a different term (i.e. annual, biennial or triennial) for the guardian or trustee report.

(4) If a successor guardian or trustee is appointed, reports shall be due on the anniversary of that appointment.

(5) Any changes to the reporting cycle of a guardian or trustee shall be approved by the court on a form provided by the Clerk's Office.

(d) Reports and Accountings and Contested or Noted Matters. Periodic reports and accountings required of guardians and trustees and other contested or noted matters shall be filed and noted for hearing at least 14 days before the scheduled date. Working copies of all reports, accountings, and contested matters otherwise noted or requiring notice must be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, not later than 14 days preceding the hearing. Response documents, including briefs, if any, must be filed with the clerk and copies served on all parties and submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, no later than noon four court days prior to the hearing time; documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(e) Delinquency Calendar. The clerk of the court will track and notify the court of cases in which accountings are delinquent. The court will direct the guardian, trustee, and counsel to appear at a hearing in which sanctions may be imposed or the personal representative removed.

(f) Mailed Reports. Guardianship and trust reports and accountings may be presented for approval by mail without the necessity of noting the case on the appropriate motion calendar, provided that if any person has requested special notice of proceedings or is entitled to notice pursuant to any court order or notice of appearance, the party submitting an order by mail must obtain the approval and signature of the party entitled to notice on any proposed order of approval.

(g) Oaths. The guardian name(s) must be typed or printed on the oath as it appears in the order. When a guardian changes his or her name he or she must obtain an order for new letters and file an oath under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

(h) Order Approving Guardian's Report and Accounting. The order shall include a Clerk's Action Summary on the first page in a format approved by the Court and posted on the King County Superior Court Clerk's website. The order shall also contain the name(s) of the guardian and address as it appears in the oath and clearly identify whether acting full or limited guardian over the person and/or estate. The order shall be obtained within sixty (60) days of filing the report and accounting.

(i) Vulnerable Adult Protection (VAP) Petitions. Any petition protecting a vulnerable adult shall be filed as a civil matter separate from any guardianship matter. If there is an existing guardianship case when the VAP is filed, a copy of the Protection order may be placed in that file.

(j) Loss of Voting Rights

(1) In accordance with RCW 11.88.010(5), if an incapacitated person loses the right to vote, the Order Appointing Guardian or Approving Report shall include a specific finding on the loss of the right to vote.

(2) The Guardian Ad Litem shall also submit a Notice of Loss of Voting Rights to the court that shall include the name, address, and date of birth of the incapacitated person and that shall direct the Clerk to forward the Notice of Loss of Voting Rights to the County Auditor.

(3) If the guardianship is terminated by a determination of competency of the individual, the court shall direct the Clerk to send to the County Auditor a certified copy of the Order Restoring Voting Rights including the same personal identifiers as the Notice of Loss of Voting Rights.

[Adopted effective September 20, 1990; amended effective September 1, 1996; September 1, 1999; September 1, 2001; September 1, 2003; September 1, 2004; September 1, 2005; January 1, 2006; September 1, 2008; June 1, 2009; September 1, 2009.]

LCR 98.50 SEXUALLY VIOLENT PREDATOR—Office of Public Defense

~~A lawyer for a respondent alleged to be or adjudicated as a sexually violent predator and who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in the case may request them by a motion to the court. Requests and approval for said services are delegated to the King County Office of the Public Defender (OPD), so long as OPD is contracted with the Department of Social and Health Services to provide administrative services, including reviewing requests for investigation, expert or other services. A decision by OPD is subject to *de novo* review by Pursuant to RCW 71.09.055, requests for expert services are funded by the Washington State Office of Public Defense (WSOPD). A request for funds in excess of those authorized by WSOPD or for a second evaluator shall be addressed to~~ the assigned trial judge. If the assigned trial judge disqualifies him or herself on the motion for expert services, the judge will refer the motion to the Chief Civil Judge.

~~Upon finding that the services are necessary and the respondent is financially unable to obtain them, the Office of Public Defense or the court shall authorize the services.~~ The motion may be made *ex parte*, and, upon a showing of good cause, the moving papers may be ordered sealed by the court, and shall remain sealed until further order of the court. ~~The provisions of LCrR 3.1(f) apply.~~ Respondent shall provide a copy of the motion to seal and proposed order to the petitioner.

Nothing in this rule limits requirements for the timely disclosure of ~~f~~ experts intended to be called by the respondent at trial.

[Adopted effective September 1, 2008.]

LJuCR 12.1 TRUANCY CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Truancy Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. In order to facilitate the division of cases between the King County Courthouse and the Maleng Regional Justice Center

facilities, it is required that from and after the first day of August 1997, each truancy petition filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth in Section (8) below] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (4) below.

(2) Where Proceedings Held. Commencing with the 1997-1998 school year, all proceedings of any nature shall be conducted in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. The school districts in the Seattle Case Assignment area are: Seattle (1); Mercer Island (400); Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

(B) Kent Case Assignment Area. The districts in the Kent Case Assignment area are: Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing of the petition alleging truancy and shall be based on the school district that originates the petition.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing ~~as required by LjuCR 3.9(c) and~~ shall be ruled on by the Court without oral argument. ~~and shall be noted for consideration no later than 14 days after filing the petition.~~ All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer. A change of case assignment area designation may be authorized by the Chief Judge of Juvenile Court or by the commissioner regularly assigned to the Truancy Calendars.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Documents Filed. Pursuant to LGR 30, all pleadings and documents for any truancy action in King County must be electronically filed with the Clerk of the Superior Court using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form at the court facility in the case assignment area of the case.

(6) Inclusion of Case Assignment Area Code. All pleadings and document shall contain after the cause number the case assignment area code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(7) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County for the:

_____ Seattle Area, defined as
Seattle (1); Mercer Island (400); Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

_____ Kent Area, defined as
Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

Signature of Petitioner

Date

[Adopted effective April 14, 1997; September 1, 1999; September 1, 2004; June 1, 2009.]

**[NEW] TITLE XIII. AT-RISK YOUTH & CHILD IN NEED OF SERVICES
PROCEEDINGS**

**[NEW] LJuCR 13.1 AT-RISK YOUTH & CHILD IN NEED OF SERVICES CASE
ASSIGNMENT AREA**

(a) Location for Court Proceeding for At-Risk Youth and Child in Need of Services actions filed in King County; filing of documents and pleadings and designation of case assignment area.

(1) Designation of Case Assignment Area and revisions thereof. Cases filed under RCW 13.32A shall be filed in the case assignment area in which the primary custodial parent resides, as defined by JuCR 3.2. A motion to change the case assignment area designation may be authorized by the Chief Judge of Juvenile Court or by the commissioner regularly assigned to the Becca Calendars.

LFLR 17. CONTEMPT AND OTHER ENFORCEMENT ACTIONS

(a) Civil Contempt Proceedings. See also Chapter 7.21 RCW (regarding general contempt of court), RCW 26.18.050 (regarding failure to pay support or maintenance), and RCW 26.09.160 (parenting plan contempt).

(1) Contempt proceedings shall be started by presenting and obtaining an Order to Show Cause re Contempt from the Ex Parte and Probate Department through the clerk's office, accompanied by a Motion and Declaration for Order to Show Cause Re Contempt and a copy of the order that is alleged to have been violated. The hearing on the contempt proceeding shall be scheduled on the Family Law Motions Calendar in accordance with LFLR 6.

(b) UFC Case Management is suspended.

[Adopted effective September 1, 2004; amended effective September 2, 2014.]

LFLR 21. SIMPLE DISSOLUTION (DIVORCE) PROGRAM

(a) Purpose. To facilitate early resolution of family law cases where the parties:

(1) Are not represented by an attorney in the case; and

(2) Are in agreement on all issues in the case or where the respondent is in default; and

(3) Do not have minor children; and

(4) Do not have substantial property or debt to divide between the parties; and

(5) At least one party resides in King County.

(b) Application. The Family Law Courthouse Facilitators and staff who provide basic services under GR 27(c)(3), authorized by RCW 26.12.24, shall determine whether or not pro-se litigants are eligible for the Simple Dissolution (Divorce) Program according to established program guidelines. They shall require each party, or the petitioner in cases where a default order is obtained, to complete and sign an application disclaiming any attorney-client relationship and attorney-client confidentiality as well as disclosing the character and agreed distribution of assets and liabilities.

(c) Finalization. For cases eligible for the Simple Dissolution (Divorce) Program, Courthouse Family Law Facilitators and staff shall transfer the information provided on the application onto the appropriate final orders. A Facilitator Program attorney may present final orders with a completed and signed Declaration In Lieu of Formal Proof to the judicial officer conducting the Status Non-Compliance Calendar or the Chief UFC Judge. Presentation of final orders shall occur pursuant to the time frame established by statute. The Declaration In Lieu of Formal Proof shall be in substantially the same format as set forth in Appendix 1 of LFLR 5 except that these Declarations may be signed any time after filing and prior to entry of the final orders.

(d) Case Schedule. Participating in the Simple Dissolution (Divorce) Program does not waive the parties' obligation to comply with the deadlines set forth in the Order Setting Domestic Case Schedule.

(e) Fee. The Simple Dissolution (Divorce) Program may administer a fee for the service in compliance with King County local rules, Washington State rules and Washington law. The fee shall be waived for indigent parties.

(Adopted effective October 28, 2014.)
